THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7747 of 2007

19.4.2007

Between:

A.Poli Naidu, S/o.A.Appaiah

… Petitioner

AND

The District Collector, Srikakulam District

And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7747 of 2007

ORDER:

The petitioner was granted lease for quarrying sand at Muddadapeta village of Amudalavalasa Mandal in Srikakulam District allegedly for a period of two years from 24.4.2005 to 23.5.2007. He alleges that due to heavy rainfall in 2006, he could not conduct quarry operations. Therefore he made representation to respondents on 23.1.2007 for extension of lease, in vain. In this writ petition, petitioner seeks a direction to respondents to dispose of the representation for extension of lease.

Rule 9-B(1) of A.P. Minor Mineral Concession Rules, 1966 (the Rules, for brevity) the sand bearing area shall be leased out for a period not exceeding two years with enhancement of 10% of the knocked down amount but generally lease is granted for a period of one year though option is given to the lessee to seek extension of lease for second year. The petitioner has not placed before this Court a copy of the lease deed and, therefore, it is not possible to say whether lease was granted to him for one year or two years. Be that as it is, the petitioner has no right under Rule 9-A to 9-N of the Rules to seek extension of lease. This Court has considered this aspect of the matter in **S.K.D.A.K.S.Q., B&F Cooperative Society Limited v DPO & DM and Convenor**[1] and held as under.

> A reading of the Rules, as noticed hereinabove, would show that the proviso to Rule 9-L of the Rules confers a limited right on the existing lessees to continue the lease for a period of sixty days on payment of ten per cent enhanced lease amount. That situation would arise only when the sand reach is not put to auction for the subsequent year. Except to the limited extent, a lessee who is granted the right to quarry sand for a specified period cannot claim any right for extension of lease. The Rule 9-B(1) of the Rules is only enabling provision under which the competent authority can grant lease for a period of two years. In these cases, the leases were granted to the petitioners only upto 30.09.2005 and therefore, they have no right to compel the respondents to

extent lease whatever the reason be.

The counsel for the petitioner does not dispute the legal position. Petitioner has no right to compel the respondents to extend the lease. Therefore, the writ petition is dismissed. No costs.

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(**V.V.S.RAO, J**)

April 19, 2007.
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[1] 2006 (1) ALD 495 = 2006 (2) ALT 399